



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

May 12, 2008

BY FAX

Honorable Victor Marrero
United States District Judge
United States Courthouse
500 Pearl Street, Room 660
New York, New York 10007-1312

Re: David Figueroa v. Astrue
07 Civ. 5572 (VM)

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 5-12-08

Dear Judge Marrero:

This Office represents the Commissioner of Social Security, defendant in this action. I write respectfully to request an extension of time to file defendant's motion for judgment on the pleadings.

Pursuant to the court's order of April 9, 2008, defendant's motion is due to be served and filed on or before today, May 12, 2008; plaintiff's response is due thirty days thereafter, on or before June 11, 2008; and defendant's reply is due fourteen days later, on or before June 25, 2008. I have recently been assigned to this matter and have not yet been able to complete my review of the record. Accordingly, I respectfully request a thirty-day extension of time to file defendant's motion, until June 11, 2008, and accordingly, a thirty-day extension of plaintiff's time to file his response, to July 11, 2008, and a thirty-day extension of time to file defendant's reply, to July 25, 2008.

This is the government's first request for an adjournment of the briefing schedule. I have attempted to obtain plaintiff's consent to this request, but this office was informed that his attorney has withdrawn from the case. I have attempted to contact plaintiff directly, but have learned that he does not have a telephone. I apologize to the Court for the late notice of my request and for any inconvenience it may have caused.

Thank you for your consideration of this matter.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:

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cc: David Figueroa, Pro Se
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Request GRANTED. The briefing schedule with regard to the motion for judgment on the pleadings herein is extended as set forth herein: motion papers submitted by <u>6-11-08</u> ; response <u>7-11-08</u> ; reply <u>7-25-08</u> .	
SO ORDERED.	
<u>5-12-08</u>	 VICTOR MARRERO, U.S.D.J.
DATE	